

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JESS B.,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00007

KILOLO KIJAKAZI,

Acting Commissioner for the Social Security Administration,

Defendant.

ORDER

Before the Court is Plaintiff Jess B.’s Complaint seeking review of the final decision of the Acting Commissioner of Social Security (“Acting Commissioner”) denying her application for Disability Insurance Benefits. (ECF No. 1.) By Standing Order entered January 4, 2016, and filed in this case on January 6, 2023, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings and a recommendation for disposition (“PF&R”). (ECF No. 3.) Magistrate Judge Aboulhosn filed his PF&R on August 21, 2023, (ECF No. 15), recommending that this Court deny the deny Plaintiff’s request for remand, (ECF No. 10), grant the Defendant’s request to affirm the decision of the Acting Commissioner, (ECF No. 13), affirm the final decision of the Acting Commissioner, and dismiss this action from the Court’s docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation

to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on September 5, 2023. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 15), **DENIES** Plaintiff's request for remand, (ECF No. 10), **GRANTS** Defendant's request to affirm the decision of the Acting Commissioner, (ECF No. 13), **AFFIRMS** the final decision of the Acting Commissioner, **DISMISSES** the Complaint, (ECF No. 1), and **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 3, 2023



THOMAS E. JOHNSTON, CHIEF JUDGE